

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

22 Cr. 460 (JMF)

5 SAKOYA BLACKWOOD,

6 Defendant.

Plea

7 -----x
8 New York, N.Y.
9 March 28, 2023
11:20 a.m.

10 Before:

11 HON. JESSE M. FURMAN,

12
13 District Judge

14 APPEARANCES

15 DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

16 BY: ADAM S. HOBSON

17 Assistant United States Attorney

18 SHER TREMONTE LLP

Attorneys for Defendant

19 BY: ANNA MARIA ESTEVAO

MICHAEL TREMONTE
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1 (Case called)

2 THE DEPUTY CLERK: Counsel, please state your name for
3 the record.

4 MR. HOBSON: Good morning, your Honor. Adam Hobson
5 for the government.

6 THE COURT: Good morning.

7 MS. ESTAVO: Good morning. Anna Maria Estavo and
8 Michael Tremonte for Sequoia Blackwood who is seated to my
9 left.

10 THE COURT: Good morning to all of you.

11 I've been informed that Ms. Blackwood wishes to change
12 her plea and plead guilty to Count Two of the indictment, 22
13 Cr. 460, which charges her with cyberstalking in violation of
14 18 U.S. Code Sections 2261A(2)(B) and 2.

15 Is that correct, Ms. Estavo?

16 MS. ESTAVO: That's correct.

17 THE COURT: Ms. Blackwood, before I accept your
18 guilty plea, I need to ask you certain questions to ensure that
19 you are pleading guilty because you are in fact guilty and not
20 for some other reason, to ensure that you understand the rights
21 that you would be giving up by pleading guilty, and to ensure
22 that you understand the potential consequences of your
23 guilty plea.

24 It is critical that you understand each question
25 before you give me an answer. So if there is any question you

1 don't understand, please let me know, and either your lawyers
2 or I can explain it to you more fully. And if at any point you
3 wish to speak to your lawyers for any reason, let me know. And
4 I'm happy to give you however much time you need to speak with
5 them.

6 Do you understand all of that?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: With that, if you could please rise and
9 raise your right hand so that Ms. Smallman can administer the
10 oath to you. That would be great.

11 (Defendant sworn)

12 THE COURT: You may be seated.

13 You are now under oath which means that if you answer
14 any of my questions falsely, you may be subject to prosecution
15 for the separate crime of perjury.

16 Do you understand that?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Can you please state your full name.

19 THE DEFENDANT: Sakoya Blackwood.

20 THE COURT: And how old are you?

21 THE DEFENDANT: Thirty-four.

22 THE COURT: How far did you go in school?

23 THE DEFENDANT: I graduated high school.

24 THE COURT: Have you ever been treated or hospitalized
25 for any type of mental illness?

1 THE DEFENDANT: No.

2 THE COURT: Are you now or have you recently been
3 under the care of a doctor or mental health professional such
4 as a psychiatrist or psychologist?

5 THE DEFENDANT: No.

6 THE COURT: Have you ever been treated or hospitalized
7 for any type of addiction, including drug or alcohol addiction?

8 THE DEFENDANT: No.

9 THE COURT: In the last 48 hours, have you had any
10 alcohol, drugs, pills, or medicine?

11 THE DEFENDANT: Prescription medication.

12 THE COURT: When was that?

13 THE DEFENDANT: Last night. I was prescribed by the
14 MDC.

15 THE COURT: Can you tell me what the medication was.

16 (Defendant and counsel conferred)

17 MS. ESTAVO: My understanding is that she has received
18 some mental health treatment from the MDC and has been
19 prescribed some medication with respect to that. However, it's
20 nothing so serious as to affect her ability to understand the
21 proceedings.

22 (Defendant and counsel conferred)

23 THE COURT: Is that correct, Ms. Blackwood?

24 THE DEFENDANT: Yes.

25 THE COURT: So just to go back, you have received

1 mental health treatment in the recent past?

2 Is that correct?

3 THE DEFENDANT: Correct.

4 THE COURT: Anything about either the treatment or the
5 reasons for that treatment that would affect your ability to
6 understand what's happening here today?

7 THE DEFENDANT: No.

8 THE COURT: The medication that you took last night,
9 does that have any effect on your ability to understand what's
10 happening here today?

11 THE DEFENDANT: No.

12 THE COURT: Do you understand what's happening here
13 today?

14 THE DEFENDANT: Yes.

15 THE COURT: Is your mind clear today?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. Ms. Estavo, you and
18 Mr. Tremonte have discussed this matter with Ms. Blackwood?

19 MS. ESTAVO: Yes, we have.

20 THE COURT: In your judgment, does she understand the
21 rights that she would be giving up by pleading guilty?

22 MS. ESTAVO: Yes, your Honor.

23 THE COURT: In your judgment, is she capable of
24 understanding the nature of these proceedings?

25 MS. ESTAVO: Yes, she is.

1 THE COURT: Does either counsel have any doubt as to
2 Ms. Blackwood's competence to plead guilty at this time?

3 MR. HOBSON: No, your Honor.

4 MS. ESTAVO: No, your Honor.

5 THE COURT: On the basis of Ms. Blackwood's responses
6 to my questions, my observations of her demeanor here in open
7 court, and the representations of counsel, I find that she is
8 fully competent to enter an informed plea of guilty at this
9 time.

10 Ms. Blackwood, have you received a copy of the
11 indictment, 22 Cr. 460 which contains the charge to which you
12 intend to plead guilty?

13 THE DEFENDANT: Yes.

14 THE COURT: Did you read it?

15 THE DEFENDANT: Yes.

16 THE COURT: Did you have enough time to discuss the
17 charge to which you intend to plead guilty and any possible
18 defenses to that charges with your lawyers?

19 Did you have enough time to do that?

20 THE DEFENDANT: Yes.

21 THE COURT: Did you do discuss those things?

22 THE DEFENDANT: Yes.

23 THE COURT: Have your lawyers explained to you the
24 consequences of entering a guilty plea?

25 THE DEFENDANT: Yes.

1 THE COURT: Are you satisfied with their
2 representation of you?

3 THE DEFENDANT: Yes.

4 THE COURT: Let me explain now certain rights that you
5 have that you would be giving up by pleading guilty. Again, if
6 there's anything that you don't understand, lets me know. And
7 either your lawyers or I will explain it to you more fully.

8 Under the Constitution and laws of the United States,
9 you have a right to plead not guilty to the charges in the
10 indictment.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: If you did plead not guilty, you would be
14 entitled to a speedy and public trial by a jury on those
15 charges.

16 Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: At that trial, you would be presumed to be
19 innocent, and you would not be required to prove that you were
20 innocent. Instead, the government would be required to prove
21 your guilt by competent evidence beyond a reasonable doubt
22 before a jury could find you guilty.

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: In order to find you guilty, a jury of 12

1 people would have to agree unanimously that you were guilty.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: At that trial and at every stage of your
5 case, you would be entitled to the assistance of a lawyer. And
6 if you could not afford a lawyer, one would be appointed to
7 represent you free of cost at public expense.

8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: During a trial, the witnesses for the
11 government would have to come to court and testify in your
12 presence, and your lawyer would have an opportunity to
13 cross-examine or question them.

14 You would also have an opportunity to present evidence
15 on your own behalf and have the right to have subpoenas issued
16 to compel witnesses to come to court and testify in your
17 defense.

18 Do you understand all of that?

19 THE DEFENDANT: Yes.

20 THE COURT: Now, I should say you would also have the
21 right to object to any evidence that the government offered
22 against you at a trial.

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: At trial, you would also have the right to

1 testify on your own behalf. But you would have the right not
2 to testify as well. If you chose not to testify, then no one,
3 including the jury, could draw any inference or suggestion of
4 guilt from the fact that you did not testify.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Before trial, you would have an
8 opportunity, if you have not waived it, to seek suppression or
9 exclusion of evidence that the government would use against you
10 at a trial.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: And in fact, in this case, you actually
14 have made a motion to suppress certain evidence that the
15 government might use against you at a trial.

16 Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you understand that by pleading guilty,
19 you are basically waiving, giving up your right, to challenge
20 that evidence and agree to plead guilty without a ruling on
21 that motion?

22 Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand that that motion would
25 then be denied as moot because of your guilty plea?

1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: If you were convicted at a trial, you
4 would have the right to appeal that verdict and any pretrial
5 rulings that I have made.

6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: Let me also mention, although I was going
9 to when we got to the plea agreement, I understand in the plea
10 agreement that you've reached with the government, that you've
11 agreed to withdraw your motion to dismiss the indictment,
12 another motion that your lawyer has filed on your behalf.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that by pleading guilty,
16 you are withdrawing and giving up that motion and not,
17 therefore, arguing that the charges or, in particular, the
18 charge to which you're pleading guilty is defective?

19 Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: So that motion will also be denied as a
22 result of your guilty plea.

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: Again, do you understand that if you were

1 convicted at a trial, you would have the right to appeal that
2 verdict and any pretrial rulings I may make in connection with
3 your case, including the rulings that I would have made in
4 connection with those motions?

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: If you plead guilty, you will also have to
8 give up your right not to incriminate yourself because I may
9 ask you questions about what you did in order to satisfy myself
10 that you are guilty and you will have to admit and acknowledge
11 your guilt.

12 Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: If you plead guilty and if I accept your
15 guilty plea, you will give up your right to a trial and the
16 other rights that we have discussed, other than your right to a
17 lawyer which you keep whether or not you plead guilty.

18 But there will be no trial, and I will enter a
19 judgment of guilty and sentence you on the basis of your
20 guilty plea, after I have received a presentence report
21 prepared by the probation department and any submissions that I
22 get from the lawyers.

23 There will be no appeal with respect to whether you
24 did or did not commit the offense, with respect to whether the
25 offense to which you're pleading guilty is a proper offense, or

1 with respect to whether the government could use the evidence
2 that it has against you.

3 Do you understand all of that?

4 THE DEFENDANT: Yes.

5 THE COURT: Even now as you are entering this plea,
6 you have the right to change your mind and plead not guilty and
7 to go to trial on all of the charges in the indictment.

8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: Do you understand each and every one of
11 the rights that we have just discussed?

12 THE DEFENDANT: Yes.

13 THE COURT: And are you willing to give up your right
14 to a trial and the other rights that I have explained to you to
15 plead guilty?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. Do you understand that you are
18 charged in Count Two can cyberstalking in violation of 18 U.S.
19 Code 2261A and Section 2?

20 Do you understand that that's the charge?

21 THE DEFENDANT: Yes.

22 THE COURT: Mr. Hobson, would you please state the
23 elements of that offense.

24 MR. HOBSON: Yes, your Honor. Cyberstalking has three
25 elements: First, that the defendant used an interactive

1 computer service or electronic communication service or
2 electronic communicate system of interstate commerce, or any
3 other facility of interstate or foreign commerce, to engage in
4 a course of conduct.

5 Second, the defendant's course of conduct caused,
6 attempted to cause, or would reasonably be expected to cause
7 substantial emotional distress to another person; and third,
8 that the defendant did so with an attempt to harass or
9 intimidate another person.

10 In addition, the defendant would have to prove by a
11 preponderance of the evidence that venue is appropriate in the
12 Southern District of New York.

13 THE COURT: Ms. Blackwood, do you understand that if
14 you were to go to trial, the government would have to prove
15 those first three elements beyond a reasonable doubt before a
16 jury could find you guilty of this crime?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you understand that the government
19 would also have to prove what Mr. Hobson mentioned at the end,
20 venue? Namely, that something in connection with the crime
21 occurred here in the Southern District of New York. But it's
22 burden on that would be only by a preponderance of the
23 evidence.

24 Do you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: Let me tell you about the maximum possible
2 penalties for this crime. And by "maximum" I mean the most
3 that could be imposed upon you. It doesn't mean that that is
4 the sentence that you will receive, but you have to understand
5 that by pleading guilty, you're exposing yourself to a
6 combination of punishments up to the statutory maximums.

7 Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: First let me tell you about the possible
10 restrictions on your liberty. The maximum term of imprisonment
11 for this crime is five years which could be followed by up to
12 three years of supervised release.

13 Supervised release means that you would be subject to
14 supervision by the probation department. There would be rules
15 of supervised release, supervision, that you would be required
16 to follow.

17 And if you violated any of those rules, you could be
18 returned to prison without a jury trial and without credit for
19 either the time spent on your underlying sentence or time spent
20 on post-release supervision.

21 Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: You should understand that there is no
24 parole in the federal system which means if you are sentenced
25 to prison, you would not be released early on parole. There is

1 a limited opportunity to earn credit for good behavior, but if
2 you are sentenced to prison, you would have to serve at least
3 85 percent of the time to which you were sentenced.

4 Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: In addition to those restrictions on your
7 liberty, the maximum possible punishment also includes certain
8 financial penalties. First, the maximum possible fine is the
9 greatest of \$250,000 or twice the gross pecuniary or financial
10 gain derived from the offense or twice the gross pecuniary or
11 financial loss to someone other than you as a result of the
12 offense, whichever is greatest. Second, I can order
13 restitution to any person or entity injured as a result of your
14 criminal conduct.

15 Third, I can order you to forfeit all property derived
16 from the offense or used to facilitate or commit the offense.
17 And finally, I must order a mandatory special assessment of
18 \$100.

19 Do you understand that those are the maximum possible
20 penalties?

21 THE DEFENDANT: Yes.

22 THE COURT: Are you a citizen of the United States,
23 Ms. Blackwood?

24 THE DEFENDANT: No.

25 THE COURT: Do you understand that as a result of your

1 guilty plea, that there may be adverse effects on your
2 immigration status?

3 For instance, you may be detained by immigration
4 authorities following the completion of any criminal sentence,
5 you may be removed from the United States, you may be denied
6 admission into the United States in the future, and you may be
7 denied citizenship in the United States.

8 Do you understand that those are among the potential
9 consequences of a guilty plea?

10 THE DEFENDANT: Yes.

11 THE COURT: Have you discussed those issues, the
12 immigration consequences of a guilty plea, with your lawyers?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand that as a result of a
15 guilty plea, you may also lose certain valuable civil rights in
16 this country, to the extent that you have them or otherwise
17 could obtain them now such as the right to vote, the right to
18 hold public office, the right to serve on a jury, and the right
19 to possess any kind of firearm?

20 Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: Are you serving any other sentence or
23 being prosecuted in any other court at this time?

24 THE DEFENDANT: No.

25 THE COURT: Do you understand that if your lawyers or

1 anyone else has attempted to predict what your sentence will be
2 in this case, that their predictions could be wrong?

3 Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: It's important for you to understand that
6 no one, not your lawyers, not the government's lawyers, no one
7 can give you any promise or assurance of what sentence you will
8 receive as your sentence will be determined by me and by me
9 alone. And I'm not going to do that today.

10 Instead, I will wait until the probation department
11 prepares its presentence report. I'll do my own independent
12 calculation of how the United States Guidelines apply to your
13 case. I'll consider any possible departures from the
14 guidelines range. I will consider any submissions I get from
15 the lawyers. And ultimately I will consider the factors that
16 govern sentencing that are set forth in a statute, 18 U.S. Code
17 Section 3553(a).

18 I'll do all of that by determining and imposing an
19 appropriate sentence.

20 Do you understand all that?

21 THE DEFENDANT: Yes.

22 THE COURT: Have you discussed that process, the
23 sentencing process, with your lawyers?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you understand that even if your

1 sentence is different from what your lawyers or anyone else has
2 told you what it might be, even if it is different from what
3 you expect or hope it to be, even if it is different from what
4 may be in the plea agreement, that you will be still be bound
5 by your guilty plea and you will not be allowed to withdraw
6 your guilty plea?

7 Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: Now, I understand that there is a written
10 plea agreement that you and your lawyers have entered into with
11 the lawyers for the government.

12 Is that correct?

13 THE DEFENDANT: Yes.

14 THE COURT: I have an original letter plea agreement
15 here from Ms. Bracewell and Mr. Rodriguez to your lawyers,
16 Mr. Tremonte and Ms. Estavo, dated March 17, 2023. I'll mark
17 it as Court Exhibit 1 and provide it to the government to
18 retain in its possession after this proceeding.

19 Turning to the last page, if you can see it from
20 there, is that your signature there on the last page?

21 THE DEFENDANT: Yes.

22 THE COURT: Before you signed the plea agreement, did
23 you read it?

24 THE DEFENDANT: Yes.

25 THE COURT: Before you signed it, did you discuss it

1 with your lawyers?

2 THE DEFENDANT: Yes.

3 THE COURT: Before you signed it, did they explain it
4 to you and answer any questions you had about the plea
5 agreement?

6 THE DEFENDANT: Yes.

7 THE COURT: Before you signed it, did you fully
8 understand the plea agreement?

9 THE DEFENDANT: Yes.

10 THE COURT: Now, one of the features of this agreement
11 is that you and the government have agreed, at least in part,
12 on how the United States Sentencing Guidelines apply to your
13 case, although you've also agreed to disagree on part of the
14 sentencing guidelines calculation.

15 Is that correct?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. Do you understand that, first
18 of all, I have my own independent obligation to determine what
19 the correct guidelines range is?

20 I'm not suggesting that I will calculate it the way
21 the government does, the way you do, or maybe I would do it
22 even differently. But you should understand that however I
23 calculate the sentencing guidelines range and even if I
24 calculate it to be higher than what you or the government
25 calculate it to be, that you would still be bound by your

1 guilty plea and you would not be allowed to withdraw your plea.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. Now, as I understand it,
5 again, you've agreed to disagree about one particular aspect of
6 the sentencing guidelines calculation. But you agree not to
7 appeal or basically you agree to live with or accept whatever
8 decision I make on that issue. And you agree not to appeal or
9 otherwise challenge my determination, my decision, as to that
10 disagreement.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: All right. Now, another feature of this
14 agreement is that you agree to waive or give up your right to
15 appeal any sentence that is within or below the stipulated
16 guidelines range of 18 to 30 months in prison.

17 That covers the low ends of what you think the
18 guidelines should be all the way to the high end of what the
19 government thinks the guidelines could be. But the bottom line
20 is that if I were to sentence you to 30 months in prison or
21 anything less than 30 months in prison, you would have no right
22 to appeal or otherwise challenge that sentence.

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: Again, I asked you this before, but

another provision in this agreement is that you agree to withdraw your motion to dismiss Count Two of the indictment and that in entering this plea, you agree to waive any and all rights to withdraw your plea or to attack your conviction or sentence on direct appeal or otherwise on the ground that the statute that makes it a crime that underlies Count Two is either on its face or, as applied to you unconstitutional, either a violation of the First Amendment, or unconstitutionally vague.

Do you understand that?

THE DEFENDANT: Yes.

THE COURT: All right. Just to be clear, I think it extends only to that it violates the First Amendment or is unconstitutionally vague. That's what you're giving up, the right to challenge the statute on that ground.

Do you understand that?

THE DEFENDANT: Yes.

THE COURT: Does this written agreement constitute your complete and total understanding of the entire agreement between you and the government?

THE DEFENDANT: Yes.

THE COURT: Has anything been left out of this written plea agreement?

THE DEFENDANT: No.

THE COURT: Other than what is written in this

1 agreement, has anyone made any promise to you or offered you
2 anything in order to plead guilty or to sign the agreement?

3 THE DEFENDANT: No.

4 THE COURT: Has anyone threatened you or forced you to
5 plead guilty or to sign this agreement?

6 THE DEFENDANT: No.

7 THE COURT: Has anyone made a promise to you as to
8 what your sentence in this case will be?

9 THE DEFENDANT: No.

10 THE COURT: All right. Ms. Blackwood, I'd like you
11 now to tell me in your own words what you did that makes you
12 believe that you're guilty of the crime charged in Count Two of
13 the indictment.

14 THE DEFENDANT: Between April and August of 2022, I
15 sent a series of text messages to an individual knowing that
16 those messages were likely to cause substantial emotional
17 distress. I did so with the intent to harass this individual.
18 I knew what I was doing was wrong, and I am deeply sorry.

19 THE COURT: All right. When you did these things,
20 were you located in either Manhattan or the Bronx or somewhere
21 in the Southern District of New York?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. Ms. Estavo, are you aware of
24 any valid defense that would prevail at trial, or do you know
25 of any reason why Ms. Blackwood should not be permitted to

1 plead guilty?

2 MS. ESTAVO: No, your Honor.

3 THE COURT: Mr. Hobson, are there any additional
4 questions that you think I should ask of Ms. Blackwood?

5 MR. HOBSON: No, your Honor.

6 THE COURT: Could you please proffer briefly what the
7 government's evidence would be and what it would show if
8 Ms. Blackwood were to go to trial.

9 MR. HOBSON: Yes, your Honor. The proof at trial
10 would show that from about March 2022 to August 2022, the
11 defendant harassed and intimidated the victim by sending text
12 messages and other electronic communications threatening to
13 publicly release sexually explicit material relating to the
14 victim.

15 The proof at trial would include the testimony of the
16 victim, evidence from the defendant's and the victim's
17 electronic devices, IP property address records, and records
18 from social media and Google accounts that the defendant used.

19 THE COURT: Do both counsel agree that there is a
20 sufficient factual basis for a guilty plea to Count Two?

21 MR. HOBSON: Yes, your Honor.

22 MS. ESTAVO: Yes, your Honor.

23 THE COURT: Does either counsel know of any reason
24 that I should not accept the defendant's plea of guilty to
25 Count Two?

1 MR. HOBSON: No, your Honor.

2 MS. ESTAVO: No, your Honor.

3 THE COURT: Ms. Blackwood because you have
4 acknowledged that you are guilty as charged in Count Two of the
5 indictment; because I am satisfied that you know your rights,
6 including your right to go to trial; that you are aware of the
7 consequences of your plea, including the withdrawal or denial
8 of the two motions that you have filed and the sentence that
9 may be imposed in connection with your plea; and because I find
10 that you are knowingly and voluntarily pleading guilty, I
11 accept your guilty plea and enter a judgment of guilty on Count
12 Two of the indictment.

13 The probation department will want to interview you in
14 connection with its presentence report. If you choose to speak
15 with the probation department, it is critical that anything you
16 say is truthful and accurate. Among other things, that report
17 is very important to me in deciding what sentence to impose
18 upon you.

19 Before sentencing, you and your lawyers will have an
20 opportunity to review the report. I would urge you to review
21 it with care. And if you find any mistakes in the report or
22 anything that you wish to bring to my attention in connection
23 with sentencing, share that with your lawyers so that they can
24 share it with me in turn.

25 Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: Ms. Estavo, Mr. Tremonte, do you wish to
3 be present in connection with any interview?

4 MS. ESTAVO: Yes, your Honor.

5 THE COURT: I'll order that no interview take place
6 unless counsel is present.

7 Assuming counsel is available, sentencing will be set
8 for July 6 at 10:00 a.m.

9 Does that time work for the government?

10 MR. HOBSON: Yes, your Honor.

11 THE COURT: The defense?

12 MS. ESTAVO: Yes, your Honor.

13 THE COURT: All right. I direct the government to
14 provide the probation department with its factual statement of
15 the offense within seven days. Defense counsel must arrange
16 for Ms. Blackwood to be interviewed by the probation department
17 within the next two weeks.

18 In accordance with my individual rules and practices,
19 defense submissions with respect to sentencing are due two
20 weeks prior to sentencing and the government's submission is
21 due one week prior to sentencing.

22 I trust that I don't need to say this, but obviously
23 you should address the disagreement with respect to the
24 sentencing guidelines calculation in your sentencing
25 submissions.

1 Mr. Hobson, do you have any idea if the victim in this
2 case is likely to wish to be heard at sentencing in some form
3 or fashion?

4 MR. HOBSON: No, your Honor. We did notify the victim
5 of the plea. He did not wish to be present for the plea. I
6 don't know yet if he's going to be present at sentencing.

7 THE COURT: All right. If you learn that he does
8 intend to be present, please let us know since it may have
9 bearing on the length of the proceeding and scheduling. But
10 obviously you should ensure that he knows of his right to be
11 heard in connection with sentencing.

12 Anything else from either side? Mr. Hobson?

13 MR. HOBSON: No, your Honor.

14 THE COURT: Ms. Estavo?

15 MS. ESTAVO: No, your Honor. Thank you.

16 THE COURT: Obviously the motions are both now denied
17 as moot. I will enter an order to that effect on the docket.
18 With that, we are adjourned. And with that, I wish you both a
19 good day.

20 (Adjourned)